

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		10715055	
	Filing Date		2003-11-17	
	First Named Inventor	Gerald Cagle		
	Art Unit	1618		
	Examiner Name	Fay, Zohreh A.		
	Attorney Docket Number	007109.00001		

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1	DTX0064: Email from Robert Abshire to Robert Hackett, Joe Hiddemen, and David Stroman in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
2	DTX0068: Email from Barry A. Schlech, Ph.D., having the subject "Moxifloxacin Team Meeting Minutes-Thu, April 20, 2000 (Training Room 10:30AM)" in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
3	DTX0069: Email from Gerald D. Cagle to Joe Hiddemen, Stella Robinson, Rajni Jani, Barry Schlech, Ed Dorsey, Henry Baldwin, William Hubregs, Sudhir Dave, Tom McDonald, and Michael Bergamini in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
4	DTX0137: Excerpt from the 61st Edition of the Physician's Desk Reference (2007), pp. 468-469, with cover page, copyright information, and table of contents excerpt in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
5	DTX0140: Tierney, et al., eds., Current Medical Diagnosis & Treatment, 37th ed. (1998), p. 186 in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
6	DTX0141: Entry for "Ciloxan Solution/Drops; Ophthalmic" in the U.S. Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
7	DTX0144: Excerpt from the 50th Edition of the Physician's Desk Reference (1996), pp. 472-473, with cover page and copyright information in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
8	DTX0145: Excerpt from the 50th Edition of the Physician's Desk Reference (1996), pp. 473-474, with cover page and copyright information in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
9	DTX0146: Entry for "Ciloxan Ointment; Ophthalmic" in the U.S. Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
10	DTX0159: Monograph for Ocuflux from the 49th edition of the Physician's Desk Reference, pp. 496-497 in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
11	DTX0161: Al-Nawas, G., Shad P., Intracellular activity of ciprofloxacin and moxifloxacin, a new 8-methoxyquinolone, against methicillin-resistant Staphylococcus aureus, J. Antimicrob Chemother, 41:655-658 (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>

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12	DTX0170: Dalhoff, A., Lack of in vivo emergency of resistance against BAY 12-8039 in S. Aureus and S. pneumonia. Abstract and Poster 47. 0003, p. 124 In Abstracts of the 8th International Congress on Infectious Diseases, Boston, Massachusetts. (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
13	DTX0191: Ostergaard, C., et al., Evaluation of a new 8-methoxyquinolone - BAY-128039 - against a penicillin-resistant Streptococcus pneumonia type 9V in experimental meningitis in rabbits. Abstracts and Poset B77, p. 40 In Program and abstracts of the 37th Interscience Conference on Antimicrobial Agents and Chemotherapy, Toronto, Canada (1997) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
14	DTX0195: Schmidt, H., et al., Moxifloxacin in therapy of experimental pneumococcal meningitis. Antimicrob Agents Chemother. 42: 1397-1401. (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
15	DTX0202: Stass, H., et al., Pharmacokinetics, safety and tolerability of 800mg BAY 12-8039 administered orally as a single dose. 8 Eur Cong Clin Microbiol Inf Dis, lausanne, Switzerland, 1997, Abstr p. 388 (1997) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
16	DTX0209: Zhanel, G., et al., In vitro activities of six fluoroquinolones against Canadian isolates of vancomycin-sensitive and vancomycin-resistant Enterococcus species. Diag Microbiol Infect Dis 31:343-347. (1998) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
17	DTX0214: Kusjanto, Mantik, Bayer warns doctors on rare Avelox side effects, Reuters.com, (February 14, 2008) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
18	DTX0238: Pijls, Rachel, et al., Studies on a new device for drug delivery to the eye. Eur. J. Pharm. Biopharm., 59:283-288 (2005) in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
19	DTX0243: Entry for Labischinski, H., et al., The targeting of factors necessary for expression of methicillin resistance in staphylococci in the J. Antimicrob. Chemother. 41(6) on <a href="http://jac.oxfordjournals.org/content/vol41/issue6/index.dtl">http://jac.oxfordjournals.org/content/vol41/issue6/index.dtl</a> in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
20	DTX4011: Demonstrative - Claim Charts in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
21	DTX4012: Demonstrative - Concentration ranges for '942 Patent in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
22	DTX4013: Demonstrative - Comparison of Ingredients Chart in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>

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23	DTX4014: Demonstrative - Comparison of Ingredients Chart in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
24	DTX4015: Demonstrative - Comparison of Ingredients Chart in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
25	DTX4016: Demonstrative - Comparison of Ingredients Chart in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
26	DTX4017: Demonstrative - Blowup of PTX 1098 in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR) (Defendants' Exhibit List)	<input type="checkbox"/>
27	Defendants' Exhibit List (admitted to trial) - in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
28	Exhibit 7 - Defendants' Exhibit List in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
29	Exhibit 6 - Plaintiffs' Exhibit List in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
30	Plaintiffs' Exhibit List (admitted to trial) - in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
31	Exhibit 3 - Teva's Pretrial Statement in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
32	Exhibit 5 - Teva's Pretrial Statement in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>
33	Exhibit 11 - Teva's Brief Statements of Intended Proofs in Bayer Healthcare AG, Alcon, Inc., and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc. (Civil Action No. 06-234 SLR)	<input type="checkbox"/>

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**EXAMINER SIGNATURE**

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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